

REMARKS

Reconsideration of the subject application as amended herein is respectfully requested.

The Examiner has rejected the claims as being anticipated by or obvious in view of the Hochmair patent and the Hochmair publication. The Applicant respectfully traverses these rejections.

As disclosed in the specification, the aural receptors in a patient are spaced evenly with respect to each other. When an electrode array is inserted in the cochlear canal, because of the geometry of the canal and the positioning of the aural receptors, if the electrodes are evenly spaced along the electrode array, they do not line up properly with the aural receptors. The present inventors have designed an electrode array having electrodes are positioned along the array in such a manner that they are lined up correctly with the aural receptors. In this arrangement, the electrodes are no longer spaced evenly with respect to each other.

This important feature of the invention is clearly recited by the claims. More specifically, claim 1 recites that the electrodes are positioned along said electrode array to target the selected regions of the cochlea. Claim 6, 13 and 14 all recite that the electrodes are placed or positioned along the array at spacings selected to match the positions of the aural receptors. Claim 6 further recites that all the electrodes meet this criteria.

Nowhere does any of the references disclose anything similar to this concept. Instead the Hochmair article discloses a standard electrode array formed of electrode pairs formed on opposite sides of a carrier. The electrodes of a particular pair is disposed at 1.5 mm from each other. However these electrodes are not spaced from each other longitudinally along the carrier. Each pair of electrodes is spaced from the next pair by a distance of 0.5mm. (See page 47, second column). Each pair of electrodes is then used as an electrode channel. There is nothing in the references to show that the authors recognized or appreciated the problem

addressed by the present invention. There is nothing in these references that teaches or suggests to one skilled in the art that the electrodes have to be positioned at locations that match or line up with the locations of aural receptors. There is nothing in these references that teaches or suggests to a person skilled in the art that the electrodes should be placed at uneven spacings.

It is respectfully submitted that the claims are patentably distinguishable over the prior art of record.

Respectfully submitted,



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